

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ERIC CERVINI, WENDY DAVIS, DAVID
GINS, and TIMOTHY HOLLOWAY,

Plaintiff

VS

ELIAZAR CISNEROS, HANNAH CEH,
JOEYLYNN MESAROS, ROBERT
MESAROS, DOLORES PARK, and JOHN
and JANE DOES,

Defendants

Civil Action No. 1:21-cv-00565-RP

Hon. Robert Pitman

**AFFIDAVIT OF ELIAZAR CISNEROS in support of
DEFENDANT'S RESPONSE TO
PLAINTIFFS' MOTION TO COMPEL (ECF 109)**

STATE OF TEXAS §

§

COUNTY OF BEXAR §

Before me, the undersigned notary, on this day personally appeared Eliazar Cisneros, the affiant, whose identity is known to me. After I administered an oath, affiant testified as follows:

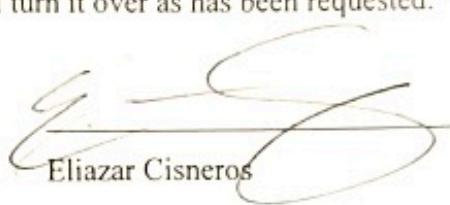
“My name is Eliazar Cisneros. I am over the age of 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

“I am one of the defendants in the above-numbered and styled complaint before this court.

“The plaintiffs request that I produce a cellular device I own and used on October 30, 2020. From this device, I have previously extracted and turned over to the plaintiffs all text

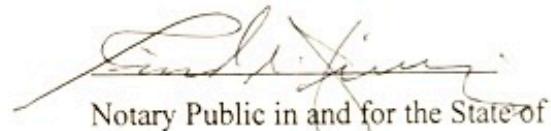
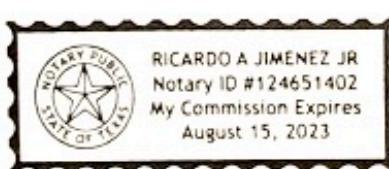
messages, emails, and voicemails associated with the event in question. My attorney and I produced all this information pursuant to the plaintiffs' request and under oath. Since the device is not in use, nor is it active nor has it been active since November of 2020, charged, or otherwise in service, I have not seen nor used nor can I recall where it was placed. When requested by my attorney to turn it over to the Plaintiffs for examination, I searched diligently for it, yet cannot find the cellular phone anywhere; I have enquired of persons that have had access to my house if they have seen or know of its whereabouts, to no avail. It frustrates me since I am convinced that its contents can only serve in my defense.

"When and if it turns up, and when found, I shall turn it over as has been requested."



Eliazar Cisneros

SWORN TO AND SUBSCRIBED before me by Eliazar Cisneros on September 20,
2022.



Notary Public in and for the State of
Texas